

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRIET SAVITCH,

Plaintiff pro se,

v.

**MARTIN KIRK, individually and in
his official capacity as Code Enforcement
Officer of the Department of Land Use
of New Castle County, and NEW
CASTLE COUNTY,**

Defendants.

Case No. 07-215 SLR

**DEFENDANTS, MARTIN KIRK AND NEW CASTLE COUNTY'S,
REPLY TO PLAINTIFF'S ANSWER TO THE DEFENDANTS'
MOTION TO COMPEL**

1. On April 20, 2007, Plaintiff filed a Complaint alleging that Defendants violated her right to be free from an unlawful seizure under the Fourth Amendment of the United States Constitution. In addition, Plaintiff claimed that the Defendants' actions caused her to be unlawfully detained and caused her to suffer mental anguish and emotional distress. On August 20, 2007, Defendants were served with a copy of the Plaintiff's Complaint.

2. On September 6, 2007, Defendants filed a Motion for Summary Judgment in response to Plaintiff's Complaint. On October 31, 2007, this Honorable Court denied the Defendants' Motion for Summary Judgment, and ordered that all discovery be completed on or before February 29, 2008.

3. On February 21, 2008, Defendants' filed a Motion to Compel, requesting that this Honorable Court order the Plaintiff to reply to the Defendants' discovery requests within ten days, or in the alternative, prohibit the Plaintiff from the introduction at trial of any evidence responsive to Defendants' discovery requests.

4. On February 27, 2008, the Plaintiff filed what can best be construed as an Answer to the Defendants' Motion to Compel. In her Answer, Plaintiff requested additional time to contact an attorney.

5. Plaintiff's Answer fails to present any outstanding circumstances that prevented her from retaining legal counsel during the last ten months. In fact, Plaintiff's only excuse for not moving forward with prosecuting this matter or answering the Defendant's discovery requests is that the attorney's she contacted are unwilling or unable to take on the case.

6. Plaintiff filed this case on April 20, 2007, and had over ten months to obtain counsel. Any additional time that is given to the Plaintiff would cause the Defendants' to suffer undue prejudice by having to continue to defend this suit.

7. On October 31, 2007, this Honorable Court ordered that the parties complete all discovery by February 29, 2008. The Defendants have made every reasonable attempt to contact the Plaintiff, and comply with the Court's Order.

8. Although the Defendants recognize that this Court has given *pro se* plaintiffs leniency on matters, Plaintiff should not be given the leniency to disregard the Court Rules or a Court Order. *See Thompson v. Target Stores*, 501 F. Supp.2d 601, 603 (D. Del. 2007) (holding that a plaintiff's *pro se* status does not authorize the plaintiff to disregard the rules of procedure).

WHEREFORE, Defendants Martin Kirk and New Castle County respectfully request that this Honorable Court enter an Order prohibiting Plaintiff from the introduction at trial of any evidence responsive to Defendants' discovery requests.

Respectfully submitted,



Harshal Purohit, Assistant County Attorney (#4593)
New Castle County Law Department
87 Reads Way
New Castle, DE 19720
(302) 395-5272
Attorney for New Castle County and Martin Kirk

Dated: March 5, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRIET SAVITCH,	:	
	:	
Plaintiff pro se,	:	Case No. 07-215 SLR
	:	
vi.	:	
	:	
MARTIN KIRK, individually and in	:	
his official capacity as Code Enforcement	:	
Officer of the Department of Land Use	:	
of New Castle County, and NEW	:	
CASTLE COUNTY,	:	
	:	
Defendants.	:	

ORDER

AND NOW, TO WIT, the foregoing motion having been considered, it is hereby ORDERED that Plaintiff is prohibited from the introduction at trial of any evidence responsive to Defendants' discovery requests.

Judge